

**U.S. District Court
District of New Hampshire (Concord)
CRIMINAL DOCKET FOR CASE #: 1:21-mj-00010-AJ-1**

Case title: USA v. Gallagher

Date Filed: 01/13/2021

Assigned to: Magistrate Judge
Andrea K. Johnstone

Defendant (1)

Thomas Gallagher

represented by **Jeffrey S. Levin**
Federal Defender's Office
The Ralph Pill Bldg
22 Bridge St
Concord, NH 03301
603 226-7360
Email: jeff_levin@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

Disposition

18 U.S.C. 1752 (a) Knowingly
Entering or Remaining in any
Restricted Building or Grounds
Without Lawful Authority; or
Knowingly, With Intent to Impede
Government Business or Official
Functions, Engaging in Disorderly
Conduct on Capitol Grounds; and

40 U.S.C. 5104(e)(2) Violent
Entry and Disorderly Conduct on
Capitol Grounds

Plaintiff

USA

represented by **Georgiana MacDonald**
US Attorney's Office (NH)
James C Cleveland Federal Bldg
53 Pleasant St, 4th Flr
Concord, NH 03301
603 230-2582
Email: georgiana.macdonald@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Assistant US Attorney

Date Filed	#	Page	Docket Text
01/13/2021			Arrest (Removal) of Thomas Gallgher.(kad) (Entered: 01/13/2021)
01/13/2021			NOTICE OF HEARING as to Thomas Gallgher. Removal Hearing via Video set for 1/14/2021 01:00 PM before Magistrate Judge Andrea K. Johnstone. (kad) (Entered: 01/13/2021)
01/14/2021	<u>1</u>		COPY of Warrant and Complaint from Washington, District of Columbia, Case No. 1:21-MJ-00012 (kad) (Entered: 01/14/2021)
01/14/2021	<u>2</u>		PUBLIC ACCESS FINDINGS as to Thomas Gallgher. So Ordered by Magistrate Judge Andrea K. Johnstone. (bt) (Entered: 01/14/2021)
01/14/2021	<u>3</u>		Consent to Video/Telephonic Conference and Waiver of Right to Appear in Person for Initial Appearance Fed. R. Crim. P. 5, Preliminary Hearing Fed. R. Crim. P. 5.1, Arraignment Fed. R. Crim. P. 10, Detention/Bail Review/Reconsideration Hearings 18 U.S.C. Sec. 3142, as to Thomas Gallgher. (bt) (Entered: 01/14/2021)
01/14/2021			ENDORSED ORDER approving: <u>3</u> Consent to Video/Telephonic Conference Waiver to Appear in Person as to Thomas Gallgher. Text of Order: Approved So Ordered by Magistrate Judge Andrea K. Johnstone. (bt) (Entered: 01/14/2021)
01/14/2021	<u>4</u>		MOTION to Appoint Counsel with Financial Declaration by Thomas Gallagher. (Attachments: # <u>1</u> Financial Affidavit) <i>Document available in clerks office.</i> (bt) (Entered: 01/14/2021)
01/14/2021			ENDORSED ORDER approving: <u>4</u> Motion to Appoint Counsel. Federal Public Defender Jeffrey Levin appointed in the case without prejudice to further review as to Thomas Gallagher (1). Assignment accepted on 1/14/2021. Appointment Nunc Pro Tunc to 1/13/2021. Text of Order: Request Approved. Appoint Counsel. So Ordered by Magistrate Judge Andrea K. Johnstone. (bt) (Entered: 01/14/2021)
01/14/2021			

		Minute Entry for proceedings held before Magistrate Judge Andrea K. Johnstone: REMOVAL HEARING via video conference as to Thomas Gallagher held on 1/14/2021 Court approves financial affidavit. Defendant consented to hearing by video conference. Defendant: advised of rights and charges, waived preliminary hearing, waived identity hearing. Defendant released on conditions. Detention hearing to be held in prosecuting district. (Court Reporter: Brenda Hancock) (Govt Atty: Georgiana MacDonald) (Defts Atty: Jeffrey Levin) (USP: Janice Bernard)(Total Hearing Time: 34 Minutes) (bt) (Entered: 01/14/2021)
01/14/2021	<u>5</u>	WAIVER of Rule5(c)(3) Hearing by Thomas Gallagher. Defendant requests Preliminary Hearing and Detention Hearing in prosecuting district. (bt) (Entered: 01/14/2021)
01/14/2021	<u>6</u>	ORDER OF HOLDING DEFENDANT TO ANSWER AND TO APPEAR IN DISTRICT OF PROSECUTION as to Thomas Gallagher to District of District of Columbia on 1/22/2021 via video conference. So Ordered by Magistrate Judge Andrea K. Johnstone. (bt) (Entered: 01/14/2021)
01/14/2021	<u>7</u>	ORDER Setting Conditions of Release as to Thomas Gallagher. So Ordered by Magistrate Judge Andrea K. Johnstone. (bt) (Entered: 01/14/2021)
01/14/2021		Oral Motion to correct Defendants name by USA as to Thomas Gallagher. (bt) (Entered: 01/14/2021)
01/14/2021		ORAL ORDER granting: Oral Motion to correct Defendants name as to Thomas Gallagher (1). Text of Order: Granted So Ordered by Magistrate Judge Andrea K. Johnstone. (bt) (Entered: 01/14/2021)
01/14/2021		ENDORSED ORDER Pursuant to FRCrP 5. In compliance with the Due Process Protections Act, the court issues the following Order: Consistent with Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, the United States is ordered to disclose all exculpatory information, in a timely manner, to the defendant. This information includes, but is not limited to, evidence that is material and is favorable to the accused. The failure to discharge this obligation may result in consequences, including the reversal of any conviction, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings and/or sanctions by the court. So Ordered by Magistrate Judge Andrea K. Johnstone. (bt) (Entered: 01/14/2021)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

IN RE THE MATTER OF:

THOMAS GALLGHER
(Petitioner's Name)

Case No. 21-mj-12, USDC-DC
(If known)

REQUEST FOR APPOINTMENT OF COUNSEL

I, Thomas Gallagher, respectfully request appointment of
counsel to represent me as a criminal defendant.

I am financially unable to hire counsel. A completed Financial Affidavit is attached.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 01-13-21

/s/ Jeffrey S. Levin

Signature of Petitioner

electronically signed after consultation with client
and with permission of client - /s/ JSL

RULING BY JUDICIAL OFFICER

- ☒ Request Approved. Appoint Counsel.
☐ Request Denied.
☐ Other: _____

Date: 1/14/2021

Audrea K. Mistone

U.S. Magistrate Judge

MIME-Version:1.0
From:ecf_bounce@nhd.uscourts.gov
To:nef@nhd.uscourts.gov
Bcc:
--Case Participants: Jeffrey S. Levin (brandy_fantasia@fd.org, elizabeth_sousa@fd.org, jeff_levin@fd.org), Georgiana MacDonald (caseview.ecf@usdoj.gov, georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov)
--Non Case Participants: US Marshal (adele.duchesneau@usdoj.gov, brenda.mikelson2@usdoj.gov, eugene.robinson2@usdoj.gov, kathleen.renaud@usdoj.gov, kimberly.dow@usdoj.gov, wanda.dechaine@usdoj.gov), US Probation (nhpdb_cmecf@nhp.uscourts.gov)
--No Notice Sent:

Message-Id:2298562@nhd.uscourts.gov
Subject:Activity in Case 1:21-mj-00010-AJ USA v. Gallagher Order on Motion to Appoint Counsel
Content-Type: text/html

U.S. District Court

District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 1/14/2021 at 2:19 PM EST and filed on 1/14/2021

Case Name: USA v. Gallagher

Case Number: 1:21-mj-00010-AJ

Filer:

Document Number: No document attached

Docket Text:

ENDORSED ORDER approving: [4] Motion to Appoint Counsel. Federal Public Defender Jeffrey Levin appointed in the case without prejudice to further review as to Thomas Gallagher (1). Assignment accepted on 1/14/2021. Appointment Nunc Pro Tunc to 1/13/2021. Text of Order: Request Approved. Appoint Counsel. So Ordered by Magistrate Judge Andrea K. Johnstone. (bt)

1:21-mj-00010-AJ-1 Notice has been electronically mailed to:

Georgiana MacDonald georgiana.macdonald@usdoj.gov, CaseView.ECF@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov, USANH.ECF Criminal@usdoj.gov, USANH.ECFDocket@usdoj.gov

Jeffrey S. Levin jeff_levin@fd.org, Brandy_Fantasia@fd.org, Elizabeth_Sousa@fd.org

1:21-mj-00010-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

MIME-Version:1.0
From:ecf_bounce@nhd.uscourts.gov
To:nef@nhd.uscourts.gov
Bcc:
--Case Participants: Georgiana MacDonald (caseview.ecf@usdoj.gov,
georgiana.macdonald@usdoj.gov, jennifer.hunt2@usdoj.gov, kristina.mcnamara@usdoj.gov,
usanh.ecfcriminal@usdoj.gov, usanh.ecfdocket@usdoj.gov), Jeffrey S. Levin
(brandy_fantasia@fd.org, elizabeth_sousa@fd.org, jeff_levin@fd.org)
--Non Case Participants:
--No Notice Sent:

Message-Id:2298571@nhd.uscourts.gov
Subject:Activity in Case 1:21-mj-00010-AJ USA v. Gallagher Removal Hearing
Content-Type: text/html

U.S. District Court
District of New Hampshire

Notice of Electronic Filing

The following transaction was entered on 1/14/2021 at 2:22 PM EST and filed on 1/14/2021

Case Name: USA v. Gallagher
Case Number: 1:21-mj-00010-AJ
Filer:
Document Number: No document attached

Docket Text:

Minute Entry for proceedings held before Magistrate Judge Andrea K. Johnstone: REMOVAL HEARING via video conference as to Thomas Gallagher held on 1/14/2021 Court approves financial affidavit. Defendant consented to hearing by video conference. Defendant: advised of rights and charges, waived preliminary hearing, waived identity hearing. Defendant released on conditions. Detention hearing to be held in prosecuting district. (Court Reporter: Brenda Hancock) (Govt Atty: Georgiana MacDonald) (Defts Atty: Jeffrey Levin) (USP: Janice Bernard)(Total Hearing Time: 34 Minutes) (bt)

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Jeffrey S. Levin jeff_levin@fd.org, Brandy_Fantasia@fd.org, Elizabeth_Sousa@fd.org

1:21-mj-00010-AJ-1 Notice, to the extent appropriate, must be delivered conventionally to:

**UNITED STATES DISTRICT COURT
District of New Hampshire**

UNITED STATES OF AMERICA

v.

Case Number: _____

Thomas Gallagher

Charging District's Case Number: 21-mj-12

Defendant

**WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)**

I understand that I have been charged in another district, the USDC-DC
(name of other court)

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named of the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing within 14 days of my first appearance if I am in custody and 21 days otherwise -- unless I am indicted -- to determine whether there is probable cause to believe that an offense has been committed;
- (5) a hearing on any motion by the government for detention;
- (6) request transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that those hearings be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 01-12-21

/s/ Thomas Gallagher

electronically signed after consultation with client
and with permission of client - /s/ JSL

Signature of Defendant

Date: 01-12-21

/s/ Jeffrey S. Levin

Counsel for Defendant

Date: 1/14/2021

Audrey K. Mistone

☒ United States Magistrate Judge

☐ United States District Judge

cc: Defendant
U.S. Attorney
U.S. Marshal
U.S. Probation
Defense Counsel

AO 467 (Rev. 1/09) Order of Holding Defendant (NH-1/09)

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

Case No. 21-mj-10-01-AJ

v.

Thomas Gallgher

Charging District Case Number: 21-mj-12 (DC)

**ORDER OF HOLDING DEFENDANT TO ANSWER
AND TO APPEAR IN DISTRICT OF PROSECUTION
OR DISTRICT HAVING PROBATION JURISDICTION**

The defendant having appeared before this Court pursuant to Rule 5, Fed. R. Crim. P., and proceedings having been concluded and the defendant released;

The defendant shall be held to answer in the United States District Court for the District of Columbia and shall appear at all proceedings as required. The defendant shall next appear:

Where: U.S. District Court
District of Columbia
333 Constitution Avenue N. W.
Washington D.C. 20001

When: By Video on January 22, 2021 at 1:00 p.m.

The clerk is ordered to transfer any bail deposited in the registry of this court to the clerk of court where the charges are pending.

SO ORDERED.



Andrea K. Johnstone
United States Magistrate Judge

1/14/2021

cc: U.S. Attorney
U.S. Marshal
U.S. Probation
Jeffrey Levin, Esq.

AO 199A (Rev. 12/11) Order Setting Conditions of Release

USDCNH-40 (5/20)

UNITED STATE DISTRICT COURT
District of New Hampshire

UNITED STATES OF AMERICA

v.

ORDER SETTING CONDITIONS OF RELEASE

Thomas Gallagher

Case No. 21-mj-10-01-AJ

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- ☒ 1. The defendant shall not commit any offense in violation of federal, state, or local law while on release in this case.
- ☒ 2. The defendant must cooperate in the collection of a DNA sample if the collection is authorized by 42 U.S.C. 14135a.
- ☒ 3. The defendant shall immediately advise the court, defense counsel, and the U.S. Attorney in writing before any change in address and telephone number.
- ☒ 4. The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed or as directed.

- ☒ 5. The defendant shall appear at the US District Court, District of Columbia by video, on Jan 22, 2021 at 1⁰⁰pm AM or as otherwise notified.

☒ 6. The defendant shall not enter the District of Columbia for any reason prior to his hearing on January 22, 2021

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ 6. The defendant is placed in the custody of: (address to be redacted from electronic version of document entered on CM/ECF):

Tel. No. _____

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
(Custodian or Proxy)

AO 199A (Rev. 12/11) Order Setting Conditions of Release

USDCNH-40 (8/12)

- ☐ 7. The defendant shall:
- ☐ (a) Report on a regular basis as directed by the supervising officer.
 - ☐ (b) Maintain or actively seek employment.
 - ☐ (c) Refrain from possessing a firearm, destructive device, or other dangerous weapons.
 - ☐ (d) Surrender any firearm(s) to:
 - ☐ Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
 - ☐ Other: _____
and provide written verification to the supervising officer.
 - ☐ (e) Surrender any passport to:
 - ☐ Clerk, U.S. District Court, 55 Pleasant St., Concord, NH.
 - ☐ Other: _____
 - ☐ by: _____
 - ☐ (f) Obtain no passport.
 - ☐ (g) Submit to any method of testing required by the supervising officer for determining whether the defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing.
 - ☐ (h) Refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or electronic monitoring which is (are) required as a condition(s) of release.
 - ☐ (i) Meaningfully participate in a program of inpatient or outpatient substance abuse treatment, which may include may include medication assisted treatment, if deemed advisable by the supervising officer and do not discontinue any treatment program without the prior approval of the supervising officer.
 - ☐ (j) Be detained until he/she can be released directly into an inpatient treatment facility. Further hearing to be held upon the completion of the program or upon discontinuation for any reason. Defendant shall promptly notify the court, Assistant U.S. Attorney and the supervising officer of his/her discontinuation of the program or the anticipated program completion date and shall appear for a bail review hearing as scheduled.
 - ☐ (k) Restrict travel to the State(s) of New Hampshire and _____.
 - ☐ Travel to _____ for work purposes only.
 - ☐ Travel to _____ for court purposes only.
 - ☐ Other: _____
 Any other travel must be pre-approved by the supervising officer.
 - ☐ (l) Avoid all contact, directly or indirectly, with any persons who are or who may become a victim or potential witness in the subject investigation or prosecution, including but not limited to:
 - _____
 - ☐ Those individuals identified on the list provided to defendant and his/her counsel at the hearing.
 - ☐ Contact is permitted with _____, but defendant shall not discuss this case.
 - ☐ Other: _____
 - ☐ (m) Have no unsupervised contact with any minor children.
 - ☐ Other: _____
 - ☐ (n) Refrain from any use of alcohol or refrain from the excessive use of alcohol.
 - ☐ (o) Participate in the following home confinement program components and abide by all the requirements of the program:
 - ☐ (1) Curfew: defendant is restricted to his/her residence every day
 - ☐ from _____ to _____; or
 - ☐ as directed by the supervising officer;
 - ☐ (2) Home Detention: defendant is restricted to his/her residence at all times except for employment, education, religious services, medical, substance abuse or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising officer; or
 - ☐ (3) Home Incarceration: defendant is restricted to his/her residence at all times except for medical needs or treatment, religious services, and court appearances pre-approved by the supervising officer.

AO 199A (Rev. 12/11) Order Setting Conditions of Release

USDCNH-40 (8/12)

- ☐ (4) The home confinement program will include electronic monitoring or other location verification system. Defendant shall pay all or part of the cost of the program based upon his/her ability to pay as determined by the supervising officer.
- ☐ (p) Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. 802, unless prescribed by a licensed medical practitioner.
- ☐ (q) Refrain from purchasing, possessing, distributing, administering, or otherwise using any psychoactive substances (e.g. synthetic marijuana, bath salts, kratom, etc.), whether or not intended for human consumption, without preapproval of the supervising officer.
- ☐ (r) Participate in a mental health program which shall include medical, psychological, or psychiatric treatment as directed by the supervising officer and do not discontinue any mental health program without preapproval of the supervising officer.
- ☐ (s) Defendant shall take all mental health medications as prescribed by his/her treating physician.
- ☐ (t) Execute, and do not withdraw or revoke, authorizations for the supervising officer to communicate and obtain information from his/her health care providers.
- ☐ (u) Execute a secured unsecured bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property: _____
- ☐ (v) Post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money: _____
- ☐ (w) Execute a bail bond with solvent sureties in the amount of _____
- ☐ (x) Maintain or commence an education program.
- ☐ (y) Maintain residence at a halfway house or community corrections center, as deemed necessary by the supervising officer.
- ☐ (z) Comply with the following residential requirements or restrictions: _____
- ☐ No overnights away from the residence without preapproval of the supervising officer.
- ☐ Any change in residence must be preapproved by the supervising officer.
- ☐ (aa) Comply with the following employment requirements or restrictions: _____
- ☐ Refrain from engaging in an occupation, business, profession, or volunteer activity that would require or enable you to _____ without preapproval of the supervising officer.
- ☐ (bb) Report as soon as possible, to the supervising officer any contact with any law enforcement personnel, including, but not limited to, any arrest, questioning, or traffic stop.
- ☐ (cc) Other:

- ☐ 8. Participate in the following computer restriction or monitoring program:
- ☐ (a) Refrain from the possession or use of a computer, electronic communication or data storage device or media, or any internet capable media device unless preapproved by the supervising officer and submit to the examination of any device owned or under the control of the defendant.
- ☐ (b) No access to the internet unless preapproved by the supervising officer.
- ☐ (c) Computer monitoring software or hardware shall be installed on defendant's computer which will be subject to periodic and unannounced examination by the supervising officer. These examinations may include retrieval and copying of data related to online use from the computer equipment and any internal or external peripheral devices. Defendant shall pay for the cost associated with the monitoring program based upon his/her ability to pay as determined by the supervising officer.
- ☐ (d) Defendant shall not access any social media websites, messaging services, and applications that have chat or messaging functions without the approval of the supervising officer (e.g., Facebook, Snapchat, Instagram, WhatsApp, Kik, etc.)
- ☐ (e) Defendant shall provide the supervising officer with all current online screen names and passwords and he/she shall not create or use any new profiles or screen names without the prior approval of the supervising officer.

AO 199A (Rev. 12/11) Order Setting Conditions of Release

USDCNH-40 (8/12)

- ☐ (f) Defendant shall surrender his/her smartphone to the supervising officer immediately. He/she can request that it be returned to him/her for trade-in purposes only. If he/she trades in the smartphone proof of the trade-in shall be provided to the supervising officer.
- ☐ 9. Participate in a sex offender-specific assessment treatment as directed by the supervising officer.
- ☐ 10. Provide access to and execute authorizations and do not revoke /withdraw authorizations, for the release of any requested financial information as requested by the supervising officer.
- ☐ (a) Do not incur any new credit charges or open any new lines of credit without preapproval of the supervising officer.
- ☐ (b) Other:
- ☐ 11. Abide by all the mandatory, standard and special conditions of supervised release as previously imposed by this court.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a federal offense while on pre-trial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony, or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment or a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to 10 years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim, or informant; to retaliate or attempt to retaliate against a witness, victim, or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) on offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense.

In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

AO 199A (Rev. 12/11) Order Setting Conditions of Release

USDCNH-40 (8/12)

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Date: 01-14-21

/s/ Thomas Gallagher electronically signed after consultation with client
Signature of the Defendant and with permission of client - /s/ JSL

Directions to United States Marshal

☐ The United State Marshal is ORDERED to keep the defendant in custody until notified by U.S. Probation or the court that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

☐ The defendant shall be detained until notified by U.S. Probation or the court that he/she can be released directly to an inpatient treatment facility.

☒ The defendant is ORDERED released after processing.

Date: 1/14/2021Select Judge Audrea K. Matthe

- ☒ United States Magistrate Judge
☐ United States District Judge

cc: Defendant
U.S. Attorney
U.S. Marshal
U.S. Probation
Defense counsel